

City of Dunnellon City Council
Zoom Meeting

https://dunnellon.zoom.us/j/98545301221?pwd=L3AxOXhNbGNTM3lhcm1hMW0wN2w0UT09
Webinar ID: 985 4530 1221

Date: November 09, 2020

Time: 5:30 p.m.

Place: City Hall, with Social Distancing Modifications
20750 River Dr., Dunnellon, FL 34431

Dunnellon City Council meeting will be held on November 09, 2020, at 5:30 p.m. at Dunnellon City Hall with Social Distancing Modifications.

Public Comment

Anyone who wishes to provide public comment will be able to do so by participating in the City Council meeting in person, or via the Zoom "AUDIO ONLY" platform and/or telephone, by speaking during public comment portions of the meeting when recognized per the instructions below or by submitting written comments, evidence and/or written testimony in advance of the meeting via email to the City Clerk at mroberts@dunnellon.org

Members of the public who would like to participate are encouraged to register in advance by Noon on Monday, November 9th. Please see instructions below on how to register.

Public input on non-agenda items will be heard at the beginning of the meeting. A three (3) minute time limit will be strictly administered.

Call to Order and Pledge of Allegiance

Mayor Burns called the meeting to order at approximately 5:46 p.m. and led the Council in the Pledge of Allegiance. Mayor Burns asked if a citizen would volunteer to open with prayer. Katherine Burns provided the invocation.

Roll Call

Dale Burns, Mayor, Seat 1

Bill White, Councilman, Seat 2

Anita Williams, Councilwoman, Seat 3

Valerie Hanchar, Vice-Mayor, Seat 4

Jay Dugan, Councilman, Seat 5

Staff Present

Dawn Bowne, City Administrator

Chief Mike McQuaig, Police Department

Troy Slattery, Public Works Department

Jan Smith, Finance Department

Lonnie Smith, Community Development

Lynn Wyland, Clerk's Department

Legal Counsel (attending by Zoom)

Andrew Hand,

Shepard, Smith, Kohlmyer & Hand, P.A.

Proof of Publication

Mrs. Roberts announced for the record the agenda for this meeting was posted on the City's website and City Hall bulletin board on Thursday, November 5, 2020.

One or more members of the same City of Dunnellon advisory board may attend this meeting and may speak to Council.

Mayor Burns called for public comments on non-agenda items – 3 minute time limit.

David Koger, 11983 Palmetto Way, discussed the loud bass sound coming from Swampy's restaurant. He read the first paragraph of the City's Code referring to the noise ordinance. "It shall be unlawful for any person to make, continue or cause to make or continued any loud, unnecessary or unusual noise, which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety or others, within the city." He is requesting City Council's help in having Swampy's control their noise, especially the bass sound.

Jan Cubbage, 18255 SR484, referred to the proposed Ordinance #ORD2020-11, Comprehensive Plan Amendment, #CPA2020-04, Solar Farms and provided a handout. She spoke of the benefits of a solar farm and what it can bring to our community.

Helen Koger, 11983 Palmetto Way, spoke of the loud bass noise coming from Swampy's and wanting a harmonious relationship with this town.

Councilman Dugan asked if she has explores this from a different angle, in reference to the noise factor with OSHA. He said there are laws in OSHA from a decibel point of view that it can only be a maximum noise level.

Councilman Dugan and Mr. Koger engaged in brief discussion regarding the noise level.

Dominic Battista, 19860 SW 93rd Lane, spoke of a variety of things drummers can do to muffle the bass level noise. He also commented on being a representative for the Florida Chapter of Operation Lifesaver railroads in Ocala and Dunnellon area. He wanted to alert all that the trains are running again through town. He said he gets very nervous about people walking on the tracks or cars sitting on the tracks. Please be aware.

Mayor Burns called for public comments on consent agenda.
There were none.

Mayor Burns called for Council comments.

Vice-Mayor Hanchar requested Mrs. Bowne read into the record a letter she had written to Council and the Mayor.

Mrs. Bowne read her the following letter into the record:

“November 4, 2020

Mayor Burns and City Council:

Please accept this letter as my official notice of retirement from the City of Dunnellon after 34 years and five months of service. My contract requires a 60 day notice unless otherwise agreed to by both parties. I would ask that you accept Thursday, December 10, 2020 as my last day of employment.

I am leaving having made countless friendships and memories over the years and the recipient of so many valuable learning experiences since my career with the City began at the age of 17. Many of the council members during this time invested numerous years of service and effected great positive change in our little City while becoming mentors to myself and staff.

Thank you to the City Councils that gave me the opportunity to serve as your City Clerk, Interim City Manager and finally, your City Administrator. You certainly offered the ultimate challenge of my leadership skills and together we accomplished all of the identified goals and more.

My sincere appreciation and gratitude to those current Council members that have so generously invested their time working with myself and staff in a professional, productive and supportive manner allowing us the opportunity to maximize skill and proficiency.

Finally, my thanks and best wishes to an extremely qualified and talented team of employees. We were successful together because of you and your steadfast dedication to this City. Each of you gave what I asked of you and so much more. The depths to which each of you have sacrificed of yourselves for this City may never be truly understood by others. However, that is ok because you own your feelings of success and accomplishment and will take that with you wherever you go, and in the end that is all that matters.

Sincerely,
Dawn M. Bowne,
City Administrator.”

Councilman White requested item number 5 be removed from the consent agenda for discussion due to the magnitude of Mrs. Bowne’s resignation and how it impacts the City.

Councilman Dugan commented on the difficult decision Mrs. Bowne made, but it’s also a difficult decision for a lot of folks that are here. He said he sincerely appreciated all the help he received from Mrs. Bowne and staff.

Consent Agenda

1. City Council Minutes
August 5, 2020 Council Workshop
August 10, 2020 Council Meeting
2. Approve DEO Grant Agreement #AGR2020-19 And Consultant Engagement Letter/Agreement #AGR2020-28 For The Historic District Enhancement Plan
3. Approve Lease Agreement #LEA2020-03 For Xerox Copier, Community Development
4. Approve Lease Agreement #LEA2020-04, Holiday Light Pole Decorations
5. Accept Thursday, 12/10/2020 As An Effective Retirement Date For City Administrator Dawn Bowne

Consent Agenda Approval

Vice-Mayor Hanchar moved the consent agenda be approved as amended. Councilman Dugan seconded the motion. The vote was taken. The vote was 4-1, with Councilwoman Williams opposing.

Regular Agenda

Agenda Item No. 6 – Special Presentation

Mayor Burns called Renee Gualeni to come forward and presented a plaque of recognition to Renee. The plaque read as follows:

“City Council Certificate of Appreciation presented to Renee Gualeni. In recognition of your professional graphic renderings designed to improve and enhance the overall aesthetics of our City while providing a specific focus that lends Dunnellon to be a more walkable community.

Your foresight included a precise plan on how to redirect industrial traffic flow and increase parking within the Historic District, redesign of the 125th Anniversary Park and visual concepts to improve access to our parks and public venues.

As a result of your efforts and recommendations to assist the City Council in planning for future parking needs in vital areas throughout the City, Dunnellon will begin construction on the Ernie Mills Park and Short Tower Way parking lots in the very near future.

You are hereby commended for the volunteer hours, artistic talent and your distinctive vision you have so generously contributed resulting in substantial savings to our City.

With heartfelt gratitude, pride and appreciation for your commitment to, and enthusiasm for your community.”

Ms. Gualeni thanked Council for the plaque. She then provided an overview of a proposal of the City Beach she is hoping Council will consider.

Moved to:

Agenda Item No. 5 - Accept Thursday, 12/10/2020 As An Effective Retirement Date For City Administrator Dawn Bowne

Vice-Mayor Hanchar move to accept Mrs. Bowne’s retirement date as December 10, 2020. Councilwoman Williams seconded the motion.

Mayor Burns called for public comments.

David Koger, 11983 Palmetto Way, requested Mrs. Bowne reconsider providing a sixty (60) notice.

Julianne Mendoza, 11894 E. Blue Cove, said she would like to see a transitional plan.

Mayor Burns called for Council comments.

Councilman White commented on Renee Gualeni as a perfect example of “one person making a difference.” She had a tremendous impact on this city.

Councilman White congratulated Mrs. Bowne on her retirement. He expressed concerns regarding the December council meeting and the challenges due to three new council members. He said because its city business, Council cannot discuss any solutions due to the Sunshine Law. He said in the 2016 vote for a City Administrator, one of the main things that came out of the vote was the City Manager position was taken out of the Charter and put into an Ordinance. He explained that when it’s taken out of the Charter and put into an Ordinance it empowers Council. Council is in charge of that position and has the ultimate say on everything in the City. Councilman White said this is a Council form of government that we are as either active and as powerful as we want to be or we can delegate it. What Council has done is delegated many of their powers of oversight to the City Administrator. Ultimately Mrs. Bowne is the eyes, ears and the hands for the Council, so she is very, very important and contractually Mrs. Bowne has a five (5) year contract with the City, with two years remaining. In the contract both agreed upon a sixty (60) notice requirement. He said right now there is not a transition plan in place and Council cannot attempt to start the process of seeking for Mrs. Bowne’s replacement until December. He noted that it could take up to four (4) months to find someone for this position.

Councilman White discussed the importance of putting something into play tonight regarding the transition. He said we cannot ignore this knowing that we will not be meeting for another month.

Mrs. Bowne said simply stated it will not be good for myself. It has become very apparent by the comments of the new council members who will be empowered that there is a lack of faith, lack of trust and she said she feels they have no interest in her being here. With that being said that’s not a formula for moving forward as a team. So, it will not be good for this Council, it will not be good for this staff and it will not be good for me. Without going into great detail, Mrs. Bowne said she believes it’s pretty obvious to everyone here, after those actions that have been taken by those Council members that will be taking office. She said she is concerned about the City and staff. She has had discussion with staff on how best to move forward and how to help the City during this transition.

Mrs. Bowne stated that the best option for Council moving forward is to consider someone as an interim replacement. She said unfortunately there is no one on this staff except one person that is willing to take on that role and responsibility for various reasons. An individual she would highly recommend and has the experience, background, and the management ability and would be interested in assisting the City through that period and on a short term basis. She has talked to him about that and that is the City’s Chief of Police. Mrs. Bowne stated the City will make it through this transitions as it has many times before.

Vice-Mayor Hanchar said she appreciated the professionalism Mrs. Bowne used in making those statements. She understands Mrs. Bowne does not like not finishing projects. There has never been a time in the city that there is not a project that needs to be finished. However, she understands Mrs. Bowne worries about all staff, this is her/our hometown, and she knows what Mrs. Bowne is asking goes against every grain in her soul, but when others make false claims they run their political agendas by attacking, sometimes it’s Pandora’sbox and she apologized to every citizen in Dunnellon.

Councilwoman Williams said she understands Councilman White's concerns. But then also understands why Dawn Bowne has given her resignation. She said Mrs. Bowne has over 30+ years of employment with the City and she feels Mrs. Bowne has done a good job and knows what she is doing. She said we only appreciate people when it comes down to something like this. She said, "So maybe some of those people that know so much, knows so much more than Dawn Bowne, should step up to the plate and apply for the position and do a good job like she has done."

Councilman Dugan said he would vote for Mrs. Bowne for the thirty (30) days, but he would like to hear from Chief McQuaig.

Councilman White wanted to reiterate that his point on bringing this up is nothing other than to discuss the transition. He said we know in thirty (30) days we are going to need somebody and we know we are not going to meet for thirty (30) days. We need to leave here with some type of game plan because we will not be meeting again until December.

Chief McQuaig spoke to working for five sheriffs. He said most of the sheriffs he worked for, he had to go into those areas and retrain or revisit those areas that were lacking. He said the only difference about this is there is no area here lacking. He stated that all we need is to continue with what we are doing. It will be his duty and job to keep it going so we have a very smooth transition. He appreciates the honor of being chosen and he is willing to take this on as a new experience and appreciates the support. He added "temporarily".

Attorney Hand noted there may be an issue with Chief McQuaig serving due to the dual office holding provision. He said there is an Attorney General Opinion (AGO) from 2006 that could be problematic. According to the opinion, in order for Chief McQuaig to serve he would have to resign his role in the first addition. Cannot serve both roles. Attorney Hand said he will further research.

Chief McQuaig stated the town of Willison went through this recently and the Chief of Police became the City Manager and was able to go back to his role as Police Chief.

Mrs. Bowne requested the Chief take his time and think about it. She does not want him to jeopardize his position.

Mayor Burns stated he has been blessed to work with this staff. He said the motion is on the table. The vote was taken and all members were in favor. The vote was 5-0.

Ms. Roberts read the following statement into the record:

Public Hearing Statement:

"All persons wishing to address the City council will be asked to limit their comments to the specific subject being addressed. Public opinions and input are valued by the Council. However, it is requested that comments are directed at specific issues rather than personal comments directed toward the council members or staff in order to foster mutual respect between council members and the public.

Members of the public in attendance at public forums should listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

Members of the public addressing City council and boards/commissions on a specific project or proposal are requested to disclose any personal interest or relationship; and any business, professional, or financial interests with any individual, group, project or proposal regarding the subject matter under review. Members of the public should always err on the side of more public disclosure, not less, in order to provide integrity to the public process.”

Agenda Item No. 7 – Public Hearing Ordinance #ORD2020-11 Comprehensive Plan Amendment, #CPA2020-04, Solar Farms (Posted On The City's Website On 10/26/2020 And Advertised In The Riverland News On 10/29/2020)

Mayor Burns gavelled down and said, “It is now 7:14 p.m. and I close the City Council Meeting and open the public hearing to discuss:

Ordinance #ORD2020-11, Comprehensive Plan Amendment CPA2020-04, Solar Farms (Posted on the City’s website on October 26, 2020 and Advertised in the Riverland News on October 29, 2020.)

Mayor Burns called for staff comment.

Lonnie Smith revisited the item which was reviewed at the Wednesday, November 4th workshop. He reviewed the highlights and the proposed text amendments. He read the Finding of Facts and Recommendation from staff into the record:

“FINDINGS OF FACT:

To determine whether the proposed ordinance is consistent with all adopted elements of the adopted Comprehensive Plan, all elements were examined. Consistency has been established with the preceding goals, objectives, and policies;

RECOMMENDATION:

Based on the findings of fact above, staff finds Ordinance ORD2020-11 is consistent with the comprehensive plan and meets city code criteria. The Planning Commission reviewed the ordinance for Comprehensive Plan consistency on Oct 20th 2020 and recommends, via Resolution RES2020-24, that the City Council approve for transmittal Ordinance ORD2020-11 as presented.”

Mayor Burns called for public comments. There were no public comments.

Mayor Burns called for council comments.

Councilman White said when disputes occur, he has found it’s usually goes back to definitions. He asked Mr. Smith if there is any way to put in the definition of what is a solar farm.

Mr. Smith stated solar farms is completely defined in the forthcoming Land Development Regulations.

Mayor Burns stated, "It is now 7:25 p.m. and I close the public hearing held to discuss Ordinance #ORD2020-11 and reopen the November 09, 2020 City Council Meeting."

Agenda Item No. 8 – First Reading Ordinance #ORD2020-11 Comprehensive Plan Amendment, #CPA2020-04, Solar Farms

Mayor Burns called for public comments.

Mary Ann Hilton, 12078 Palmetto Court, noted she has had some health issues and missed some meetings. She would like information on the ordinance.

Councilman Dugan moved Ordinance #ORD2020-11, #CPA2020-04 be read by title only. Councilwoman Williams seconded the motion. Mayor Burns called for discussion. There was none. The vote was taken and all members were in favor. The vote was 5-0.

Ms. Roberts read the following into the record:

“Ordinance #ORD2020-11

An Ordinance Of The City Of Dunnellon, Florida, Ord2020-11, Providing For Textual Comprehensive Plan Amendments To The Future Land Use Element By Including Solar Farms In Policy 1.7 And 1.8; Providing For Transmission; Providing For Severability; Providing For Conflicts; And Providing For An Effective Date.”

Vice-Mayor Hanchar moved Ordinance #ORD2020-11, #CPA2020-04 be approved. Councilwoman Williams seconded the motion.

Mayor Burns called for public comments. There were none.

The vote was taken and all members were in favor. The vote was 5-0.

Agenda Item No. 9 – Resolution #RES2020-26, FY19-20 Budget Amendment

Mayor Burns called for public comments. There were none.

Councilman Dugan moved Resolution #RES2020-26 be read by title only. Vice-Mayor Hanchar seconded the motion. The vote was taken and all members were in favor. The vote was 5-0.

Ms. Robert’s read the following into the record:

“Resolution #RES2020-26

A Resolution Of The City Of Dunnellon, Florida Amending The Fiscal Year 2019-20 Budget To Transfer Funds From General Fund Unrestricted Reserve Account To Fund Expenses Related To The Covid-19 Pandemic; Providing For Severability, Conflicts, And An Effective Date.”

Vice-Mayor Hanchar moved Resolution #RES2020-26 be approved. Councilwoman Williams seconded the motion.

Mayor Burns called for discussion. There was none.

The vote was taken and all members were in favor. The vote was 5-0.

Agenda Item No. 10 – Council’s Liaison Reports and Comments

Vice-Mayor Hanchar will be attending the Chamber of Commerce meeting by Zoom. She reported on Ocala Marion Transportation Planning Organization requesting public feedback regarding 2045 Long Range Transportation Plan (LRTP).

Vice-Mayor Hanchar reported on the CR484 and Blue Run Multi-Modal Project. She read from an email Mrs. Bowne, Mr. Smith and she received from Rob Balmes, TPO Administrator, who said he received a phone call from Elton Holland, Office of County Engineer. He reviewed the Opinion of Probable cost and based on his assessment, he found the current costs to be reasonable and okay to proceed with the next steps. Mr. Balms suggested that a revised FDOT application be submitted to allow for their staff to review and offer feedback as a courtesy. This will help with further identifying any issues or required steps. He also noted that the TPO can assist with the application process.

Vice-Mayor Hanchar spoke to the recent election. She was very disturbed by false accusations. She said she has been blessed to sit on a council who took us from the brink of financial ruin by other councils and poor staff management who are no longer here, to get things accomplished. She spoke in reference to incoming council members and said she made an oath to God first, and to herself, and to the citizens of Dunnellon; “that I will work respectfully and professionally with the new city council members but I will not sit by idly and have our staff and citizens ever lied to or stepped on again.”

Mayor Burns reported on the Tourist Development Council and a bike a thon event that may be rescheduled from October to April due to the pandemic. He also spoke to other opportunities for Dunnellon to host different events.

Councilman White commended Lonnie Smith and staff on the GIS mapping on the City’s website. He said it was a job well done.

Councilman White wanted to clarify that items on a consent agenda may be brought up for discussion at the meeting. A council member may request an item be removed for discussion.

Councilman White asked how the meeting process in December will work.

Ms. Roberts explained the old/new business and swearing in process.

Councilman White commented that Dawn Bowne is an outstanding mediator. She has a smooth way of dissipating a conflict. He said she not only resolves the issue, but she makes everyone that was a part of it feel good.

Agenda Item No. 11 - City Attorney’s Report

Attorney Hand stated his office is closed indefinitely due to a staff member being diagnosed with COVID-19. He can still be reached by his cell phone or by calling the office and using his extension.

Agenda Item No. 12 - City Administrator's Report

Vice-Mayor Hanchar previously provided an updated to Council regarding the Bike Trail.

- Marion County has received approximately \$63 million from the Federal Cares Act for COVID-19 related expenses. The City has received reimbursement in the amount of \$51,981.45 for operating expenses incurred through September 30th. Reimbursement request for payroll and operating expenses incurred through October 31st totaling \$2,634.15 has been submitted to Marion County and is under review.
- Troy Slattery worked with staff and completed the MS4 Report required by Florida Department of Environmental Protection. There are inspections coming due in December for the stormwater components along San Jose Boulevard in the Dunnellon Heights area. She said additionally he is staying in touch with Marion County regarding the fencing at the Rainbow River Bridge DRA.
- Bids for new parking lot projects was sent out last week. Staff is hoping to receive comparable bids. A pre-bid meeting with the contractors is scheduled for November 12th. Bids will be due approximately in thirty (30) days.
- Lonnie Smith has completed an upgrade to the VOIP telephone system which was necessary. Two applications have been received for the part-time code enforcement officer position.

October 2020 STATS

Persons Arrested	15
Felony	8
Misdemeanor	11
Warrants	8
DUI	0
Vehicle Stops	61
UTC	9
Domestic Violence	3
Part 1 Assigned	23
Part 1 Closed	12
FIVO	0
Long forms	69
Follow Ups	20
Bus - checks	643
Total calls assigned through dispatch	285
Clearance rate for September 2020	52%

*** This total equals approx. 5 calls per shift. ***

Agenda Item No. 13 – Adjourn

At approximately 7:52 p.m. Vice-Mayor Hanchar moved the November 9, 2020 City Council meeting be adjourned. Councilman Dugan seconded. The vote was taken and all members voted in favor. The motion passed 5-0.

Attest:

Amanda Roberts, CMC
City Clerk

Valerie Hanchar, Vice Mayor